

REFERENCE TITLE: off-highway vehicles; regulation

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2622

Introduced by
Representatives Konopnicki, Downing

AN ACT

AMENDING SECTIONS 28-1171, 28-1174, 28-1175 AND 28-1176, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 3, ARTICLE 20, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-1177 THROUGH 28-1182; AMENDING SECTION 28-2003, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2014; AMENDING SECTIONS 28-2053, 28-2061, 28-2157, 28-2512 AND 28-6991, ARIZONA REVISED STATUTES; RELATING TO OFF-HIGHWAY VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-1171, Arizona Revised Statutes, is amended to
3 read:

4 ~~28-1171.~~ Definitions

5 In this article, unless the context otherwise requires:

6 1. "CLOSED COURSE" MEANS A MAINTAINED FACILITY THAT USES A DUST
7 ABATEMENT MEASURE APPROVED BY THE COUNTY IN WHICH THE COURSE IS LOCATED AND
8 THAT HAS A WATER SUPPLY AVAILABLE ON THE PREMISES OR FROM A FIRE DEPARTMENT
9 WITHIN A REASONABLE DISTANCE FROM THE COURSE.

10 ~~1-~~ 2. "Highway" means the entire width between the boundary lines of
11 every way publicly maintained by the federal government, the department, a
12 city, a town or a county if any part of the way is generally open to the use
13 of the public for purposes of vehicular travel.

14 ~~2-~~ 3. "Off-highway recreation facility" includes off-highway vehicle
15 use areas and trails specifically developed and designated for use by
16 off-highway vehicles.

17 ~~3-~~ 4. "Off-highway vehicle":

18 (a) Means a motorized vehicle when operated off of highways on land,
19 water, snow, ice or other natural terrain or on a combination of land, water,
20 snow, ice or other natural terrain.

21 (b) Includes a two-wheel, three-wheel or four-wheel vehicle,
22 motorcycle, four-wheel drive vehicle, ALL-TERRAIN VEHICLE, OFF-ROAD
23 RECREATIONAL MOTOR VEHICLE, dune buggy, amphibious vehicle, ground effects or
24 air cushion vehicle and any other means of land transportation deriving
25 motive power from a source other than muscle or wind.

26 (c) Does not include a vehicle that is ~~either~~ ANY OF THE FOLLOWING:

27 (i) Designed primarily for travel on, over or in the water.

28 (ii) Used in installation, inspection, maintenance, repair or related
29 activities involving facilities for the provision of utility or railroad
30 service.

31 (iii) AN IMPLEMENT OF HUSBANDRY.

32 (iv) OWNED BY THE UNITED STATES GOVERNMENT, THIS STATE OR A POLITICAL
33 SUBDIVISION OF THIS STATE.

34 ~~4-~~ 5. "Off-highway vehicle special event" means an event endorsed or
35 sponsored by a county or municipality in which the event participants operate
36 off-highway vehicles on specific routes designated by a local authority
37 pursuant to section 28-627.

38 ~~5-~~ 6. "Off-highway vehicle trail" means a multiple use corridor that
39 is all of the following:

40 (a) Open to recreational travel by an off-highway vehicle.

41 (b) Not normally suitable for travel by conventional two-wheel drive
42 vehicles.

43 (c) Opened by the managing authority of the property that the trail
44 traverses for the specific designated purpose of recreational off-highway
45 vehicle use.

~~6-~~ 7. "Off-highway vehicle use area" means the entire area of a parcel of land, except for camping and approved buffer areas, that is managed specifically for off-highway vehicle use through the development or designation of off-highway vehicle trails.

Sec. 2. Section 28-1174, Arizona Revised Statutes, is amended to read:

~~28-1174.~~ Operation restrictions; violation; classification

A. ~~It is unlawful for~~ A person ~~to~~ SHALL NOT drive an off-highway vehicle with reckless disregard for the safety of persons or property.

B. A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY VEHICLE IN A MANNER THAT CAUSES DAMAGE TO OR DISTURBANCE OF WILDLIFE, WILDLIFE HABITAT, CULTURAL OR NATURAL RESOURCES OR PROPERTY OR IMPROVEMENTS.

C. A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY VEHICLE ON ROADS, TRAILS OR ROUTES THAT ARE POSTED CLOSED OR DRIVE ON ANY ROADS, TRAILS OR ROUTES WHERE DRIVING IS PROHIBITED BY RULE.

D. A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE IN CONNECTION WITH ACTS OF VANDALISM, HARASSMENT OF WILDLIFE OR DOMESTIC ANIMALS, BURGLARIES OR OTHER CRIMES OR DAMAGE TO THE ENVIRONMENT, INCLUDING EXCESSIVE POLLUTION OF AIR, WATER OR LAND, ABUSE OF THE WATERSHED, IMPAIRMENT OF PLANT OR ANIMAL LIFE OR EXCESSIVE MECHANICAL NOISE.

E. A PERSON SHALL NOT PLACE OR REMOVE A REGULATORY SIGN GOVERNING OFF-HIGHWAY VEHICLE USE ON ANY PUBLIC OR STATE LAND. THIS SUBSECTION DOES NOT APPLY TO AN AGENT OF AN APPROPRIATE FEDERAL, STATE, COUNTY, TOWN OR CITY AGENCY OPERATING WITHIN THAT AGENCY'S AUTHORITY.

~~B-~~ F. A person who violates ~~this section~~ SUBSECTION A is guilty of a class 2 misdemeanor. A PERSON WHO VIOLATES ANY OTHER PROVISION OF THIS SECTION IS GUILTY OF A CLASS 3 MISDEMEANOR.

~~C-~~ G. In addition to or in lieu of the fine prescribed by this section, a judge may order the person to perform at least eight but not more than twenty-four hours of community restitution or to complete an approved safety course, or both.

Sec. 3. Section 28-1175, Arizona Revised Statutes, is amended to read:

~~28-1175.~~ Instruction course; fee

A. The ARIZONA GAME AND FISH department shall conduct or approve an educational course of instruction in off-highway vehicle safety and environmental ethics. The course shall include instruction on off-highway vehicle uses that limit air pollution and harm to natural terrain, vegetation and animals. Successful completion of the course requires successful passage of a written examination.

B. Any governmental agency, corporation or other individual that conducts a training and educational course that is approved by the department may collect a fee that is reasonable and commensurate for the training and that does not exceed fifty dollars.

1 Sec. 4. Section 28-1176, Arizona Revised Statutes, is amended to read:
2 28-1176. Off-highway vehicle recreation fund

3 A. An off-highway vehicle recreation fund is established. THE ARIZONA
4 GAME AND FISH DEPARTMENT SHALL ADMINISTER THE FUND. INTEREST EARNED ON
5 MONIES IN THE FUND SHALL BE CREDITED TO THE FUND. MONIES IN THE FUND ARE
6 EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF
7 APPROPRIATIONS. The fund consists of:

- 8 1. Monies appropriated by the legislature.
- 9 2. Monies deposited pursuant to section 28-5927.
- 10 3. Federal grants and private gifts.
- 11 4. Matching monies from federal, state, local or private entities.
- 12 5. MONIES DEPOSITED PURSUANT TO SECTION 28-2014.

13 ~~B. Monies in the off-highway vehicle recreation fund are appropriated~~
14 ~~to the Arizona state parks board solely for the purposes provided in this~~
15 ~~article. Interest earned on monies in the fund shall be credited to the~~
16 ~~fund. Monies in the off-highway vehicle recreation fund are exempt from the~~
17 ~~provisions of section 35-190 relating to lapsing of appropriations.~~

18 ~~C.~~ B. SUBJECT TO LEGISLATIVE APPROPRIATION, the Arizona game and fish
19 department shall spend ~~thirty per cent of the~~ monies in the off-highway
20 vehicle recreation fund ONLY for ~~an~~ THE FOLLOWING:

21 1. AN informational and educational ~~program~~ COURSE PRESCRIBED BY
22 SECTION 28-1175 on off-highway vehicle recreation and RESPONSIBLE OFF-HIGHWAY
23 VEHICLE USE.

24 2. Law enforcement activities relating to this article and for
25 off-highway vehicle law enforcement pursuant to title 17, chapter 4,
26 article 3.

27 3. ADMINISTRATION, DEVELOPMENT AND IMPLEMENTATION OF A GRANT OR
28 AGREEMENT PROGRAM, OR BOTH A GRANT AND AGREEMENT PROGRAM, THAT DISTRIBUTES
29 MONIES APPROPRIATED BY THE LEGISLATURE. IN CONSULTATION WITH THE ARIZONA
30 OUTDOOR RECREATION COORDINATING COMMISSION, THE ARIZONA GAME AND FISH
31 COMMISSION SHALL DISTRIBUTE MONIES TO A QUALIFIED FEDERAL OR STATE AGENCY,
32 CITY, TOWN, COUNTY OR TRIBAL GOVERNMENT. AGENCIES RECEIVING MONIES UNDER
33 THIS PARAGRAPH SHALL USE THE MONIES FOR ANY OF THE FOLLOWING PURPOSES:

- 34 (a) ENFORCEMENT OF OFF-HIGHWAY VEHICLE LAWS.
- 35 (b) OFF-HIGHWAY VEHICLE RELATED ENVIRONMENTAL EDUCATION, INFORMATION,
36 SIGNAGE AND MAPS.
- 37 (c) OFF-HIGHWAY VEHICLE ACCESS, INCLUDING DEVELOPMENT, LEASE OR
38 ACQUISITION OF ROADS, TRAILS, ROUTES, RIGHTS-OF-WAY AND EASEMENTS.
- 39 (d) MITIGATION OF DAMAGES TO LAND.
- 40 (e) INVENTORY, DESIGNATION, CONSTRUCTION, MAINTENANCE AND MANAGEMENT
41 OF OFF-HIGHWAY VEHICLE USE AREAS AND OFF-HIGHWAY VEHICLE TRAILS AND ROADS
42 WITHIN LAND UNDER THE JURISDICTION OF THE PARTICULAR AGENCY OR ANOTHER AGENCY
43 OR LANDOWNER WITH PROOF OF CONCURRENCE FROM THE AGENCY OF JURISDICTION OR THE
44 LANDOWNER.

(f) NECESSARY ENVIRONMENTAL, HISTORICAL AND CULTURAL CLEARANCE OR COMPLIANCE ACTIVITIES AND ACTIONS.

~~D.~~ C. SUBJECT TO LEGISLATIVE APPROPRIATION, the Arizona state parks board shall spend ~~seventy per cent of the~~ monies in the off-highway vehicle recreation fund ONLY for the following purposes:

1. No more than eighteen per cent to fund staff support ~~to~~ FOR THE STATEWIDE OFF-HIGHWAY VEHICLE plan ~~and administer the off-highway vehicle recreation fund.~~

2. To establish a facility development program based on the priorities established in the off-highway vehicle plan.

3. To establish a matching fund program for funding off-highway related law enforcement, informational and environmental education programs, mitigation of environmental damage, facility development, land acquisition and construction of off-highway vehicle related facilities.

~~E.~~ D. The allocation of the monies in the matching fund program prescribed in subsection ~~D.~~ C, paragraph 3 of this section and the percentages allocated to each of the purposes prescribed in the program shall be determined by an off-highway vehicle plan prepared by the Arizona outdoor recreation coordinating commission and approved by the ARIZONA state parks board.

~~F.~~ E. Monies in the matching fund program established under subsection ~~D.~~ C, paragraph 3 of this section shall be distributed in an amount determined by the Arizona outdoor recreation coordinating commission to a qualified state or federal agency, city, town, county or tribal government. The Arizona state parks board may require additional matching monies that may be direct monies or in-kind services from these entities before the distribution pursuant to this subsection.

~~G.~~ F. Agencies receiving monies under this section shall use the monies:

1. To designate, construct, maintain and manage off-highway vehicle recreation facilities, off-highway vehicle use areas and off-highway vehicle trails within land under the jurisdiction of the particular agency.

2. For enforcement of off-highway vehicle laws.

3. For mitigation of damages to land.

4. For off-highway vehicle related environmental education.

~~H.~~ G. The Arizona outdoor recreation coordinating commission shall examine applications for eligible projects and determine the amount of funding, if any, for each project.

Sec. 5. Title 28, chapter 3, article 20, Arizona Revised Statutes, is amended by adding sections 28-1177 through 28-1182, to read:

28-1177. Registration and license plate requirement; off-highway vehicles; off-highway use; annual renewal; citations

A. UNLESS EXEMPT OR OPERATED ON PRIVATE PROPERTY, OFF-HIGHWAY VEHICLES SHALL DISPLAY A VALID LICENSE PLATE, CURRENT YEAR VALIDATING TAB AND VALID

1 OFF-HIGHWAY VEHICLE PERMIT ISSUED BY THE DEPARTMENT WHEN OPERATED OFF OF
2 HIGHWAYS AS AN OFF-HIGHWAY VEHICLE.

3 B. THE DEPARTMENT SHALL ESTABLISH OR USE EXISTING PROCEDURES TO
4 ANNUALLY RENEW VALIDATING TABS AND OFF-HIGHWAY VEHICLE PERMITS.

5 C. A PEACE OFFICER MAY ISSUE A CITATION PURSUANT TO SECTION 28-2531,
6 28-2532 OR 28-2533 TO THE OPERATOR OR OWNER OF A VEHICLE THAT DOES NOT
7 DISPLAY A VALID LICENSE PLATE, YEAR VALIDATING TAB AND OFF-HIGHWAY VEHICLE
8 PERMIT ISSUED BY THE DEPARTMENT AS PRESCRIBED BY SUBSECTION A OF THIS
9 SECTION.

10 D. A CITATION ISSUED PURSUANT TO THIS SECTION OR SECTION 28-2531,
11 28-2532 OR 28-2533 MAY BE DISMISSED BY THE COURT IF THE OWNER OR OPERATOR OF
12 THE OFF-HIGHWAY VEHICLE PRESENTS EVIDENCE SATISFACTORY TO THE COURT THAT THE
13 PERSON HAS COMPLIED WITH THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION AND
14 SECTION 28-2153.

15 28-1178. Exemptions

16 THE FOLLOWING OFF-HIGHWAY VEHICLES ARE EXEMPT FROM THIS ARTICLE:

17 1. FOR A PERIOD OF NO MORE THAN THIRTY CONSECUTIVE DAYS, OFF-HIGHWAY
18 VEHICLES THAT ARE OWNED BY A NONRESIDENT AND THAT ARE DISPLAYING A CURRENT
19 OFF-HIGHWAY VEHICLE USER DECAL OR REGISTRATION FROM THE NONRESIDENT'S STATE
20 OF RESIDENCE.

21 2. AN OFF-HIGHWAY VEHICLE THAT IS SOLD BY A DEALER TO A PERSON WHO IS
22 NOT A RESIDENT OF THIS STATE AND WHO DOES NOT INTEND TO OPERATE THE VEHICLE
23 IN THIS STATE IF THE PERSON COMPLIES WITH SECTIONS 28-2154 AND 28-2154.01.

24 3. NEW OFF-HIGHWAY VEHICLES THAT ARE BEING TRANSPORTED TO AN
25 OFF-HIGHWAY VEHICLE DEALERSHIP BY THE DEALER, EMPLOYEE OF THE DEALERSHIP OR
26 AGENT FOR THE DEALERSHIP.

27 28-1179. Operation of off-highway vehicles on highways:
28 liability

29 A. NO PERSON MAY OPERATE AN UNREGISTERED OFF-HIGHWAY VEHICLE ON ANY
30 STREET OR HIGHWAY THAT IS NOT DESIGNATED AS OPEN TO OFF-HIGHWAY VEHICLE USE
31 PURSUANT TO SECTION 28-627, SUBSECTION A, PARAGRAPH 13 EXCEPT IF ANY OF THE
32 FOLLOWING APPLIES:

33 1. IF CROSSING A STREET OR HIGHWAY, THE OPERATOR COMES TO A COMPLETE
34 STOP BEFORE CROSSING, PROCEEDS ONLY AFTER YIELDING THE RIGHT-OF-WAY TO
35 ONCOMING TRAFFIC AND CROSSES AT A RIGHT ANGLE IN A CROSSING AREA DESIGNATED
36 BY THE MANAGING AUTHORITY.

37 2. IF A PERSON IS LOADING OR UNLOADING AN OFF-HIGHWAY VEHICLE FROM A
38 VEHICLE OR TRAILER, WHICH SHALL BE DONE WITH DUE REGARD FOR SAFETY AND AT THE
39 NEAREST PRACTICAL POINT OF OPERATION UNLESS A DESIGNATED STAGING AREA IS
40 AVAILABLE.

41 3. IF AN EMERGENCY EXISTS, DURING ANY PERIOD OF TIME AND AT THOSE
42 LOCATIONS WHERE THE OPERATION OF CONVENTIONAL MOTOR VEHICLES IS IMPRACTICAL
43 OR IF THE OPERATION IS DIRECTED BY A PEACE OFFICER OR OTHER PUBLIC AUTHORITY.

1 B. A FEDERAL, STATE, COUNTY OR MUNICIPAL AGENCY IS NOT SUBJECT TO
2 CIVIL LIABILITY FOR ANY ACTION RELATING TO THE DESIGNATION OR MAINTENANCE OF
3 ANY LAND, TRAIL, STREET OR HIGHWAY THAT IS OPEN FOR OFF-HIGHWAY VEHICLE USE.

4 28-1180. Off-highway vehicle equipment requirements; rule
5 making

6 A. ALL OFF-HIGHWAY VEHICLES IN OPERATION IN THIS STATE SHALL BE
7 EQUIPPED WITH ALL OF THE FOLLOWING:

8 1. BRAKES ADEQUATE TO CONTROL THE MOVEMENT OF AND TO STOP AND HOLD THE
9 VEHICLE UNDER NORMAL OPERATING CONDITIONS.

10 2. LIGHTED HEADLIGHTS AND TAIL LIGHTS THAT MEET OR EXCEED ORIGINAL
11 EQUIPMENT MANUFACTURER GUIDELINES IF OPERATED BETWEEN ONE-HALF HOUR AFTER
12 LEGAL SUNSET AND ONE-HALF HOUR BEFORE LEGAL SUNRISE.

13 3. A MUFFLER THAT IS IN GOOD WORKING ORDER AND THAT IS IN CONSTANT
14 OPERATION TO PREVENT EXCESSIVE OR UNUSUAL NOISE ABOVE NINETY-SIX DECIBELS, IF
15 MEASURED FROM A DISTANCE OF TWENTY INCHES USING TEST PROCEDURES ESTABLISHED
16 BY THE SOCIETY OF AUTOMOTIVE ENGINEERS EXCEPT IF OPERATING ON A CLOSED
17 COURSE.

18 4. A SPARK ARRESTOR DEVICE THAT IS APPROVED BY THE UNITED STATES
19 DEPARTMENT OF AGRICULTURE AND THAT IS IN CONSTANT OPERATION EXCEPT IF
20 OPERATING ON A CLOSED COURSE.

21 5. A SAFETY FLAG THAT IS AT LEAST SIX BY TWELVE INCHES AND THAT IS
22 ATTACHED TO THE OFF-HIGHWAY VEHICLE AT LEAST EIGHT FEET ABOVE THE SURFACE OF
23 LEVEL GROUND, IF OPERATED ON SAND DUNES OR AREAS DESIGNATED BY THE MANAGING
24 AGENCY.

25 B. A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE MAY NOT OPERATE OR RIDE
26 ON AN OFF-HIGHWAY VEHICLE ON PUBLIC OR STATE LAND UNLESS THE PERSON IS
27 WEARING A PROPERLY FITTED AND FASTENED PROTECTIVE HEADGEAR THAT IS DESIGNED
28 FOR MOTORIZED VEHICLE USE AND THAT HAS A MINIMUM UNITED STATES DEPARTMENT OF
29 TRANSPORTATION SAFETY RATING.

30 C. THE ARIZONA GAME AND FISH COMMISSION MAY:

31 1. MAKE RULES NECESSARY TO IMPLEMENT THIS SECTION.

32 2. PRESCRIBE ADDITIONAL EQUIPMENT REQUIREMENTS NOT IN CONFLICT WITH
33 FEDERAL LAWS.

34 28-1181. Race or organized event; authorization required

35 NO PERSON MAY ORGANIZE, PROMOTE OR HOLD AN OFF-HIGHWAY VEHICLE RACE OR
36 OTHER ORGANIZED EVENT ON ANY LAND OR HIGHWAY IN THIS STATE, EXCEPT AS
37 AUTHORIZED BY THE APPROPRIATE AGENCY THAT HAS JURISDICTION OVER THE LAND OR
38 HIGHWAY OR THE LANDOWNER.

39 28-1182. Violation; classification

40 UNLESS OTHERWISE SPECIFIED IN THIS ARTICLE, A PERSON WHO VIOLATES THIS
41 ARTICLE IS GUILTY OF A CLASS 3 MISDEMEANOR.

42 Sec. 6. Section 28-2003, Arizona Revised Statutes, is amended to read:

43 28-2003. Fees; vehicle title and registration; identification
44 plate; definition

45 A. The following fees are required:

1 1. For each certificate of title, salvage certificate of title,
2 restored salvage certificate of title or nonrepairable vehicle certificate of
3 title, four dollars.

4 2. For each certificate of title for a mobile home, seven
5 dollars. The director shall deposit three dollars of each fee imposed by
6 this paragraph in the state highway fund established by section 28-6991.

7 3. For the registration of a motor vehicle, eight dollars, except that
8 the fee for motorcycles is nine dollars.

9 4. For a duplicate registration card or any duplicate permit, four
10 dollars.

11 5. For each special ninety day nonresident registration issued under
12 section 28-2154, fifteen dollars.

13 6. Except as provided in paragraph 7 of this subsection, for the
14 registration of a trailer or semitrailer that is ten thousand pounds or less
15 gross vehicle weight, eight dollars, and for the registration of a trailer or
16 semitrailer that exceeds ten thousand pounds gross vehicle weight:

17 (a) On initial registration, a one-time fee of two hundred forty-five
18 dollars.

19 (b) On renewal of registration or if previously registered in another
20 state, a one-time fee of:

21 (i) If the trailer's or semitrailer's model year is less than six
22 years old, one hundred forty-five dollars.

23 (ii) If the trailer's or semitrailer's model year is at least six
24 years old, ninety-five dollars.

25 7. For the registration of a noncommercial trailer that is not a
26 travel trailer and that is less than six thousand pounds gross vehicle
27 weight:

28 (a) On initial registration, a one-time fee of twenty dollars.

29 (b) On renewal of registration, a one-time fee of five dollars.

30 8. For a transfer of a noncommercial trailer that is not a travel
31 trailer and that is less than six thousand pounds gross vehicle weight,
32 twelve dollars.

33 9. For each special ninety day resident registration issued under
34 section 28-2154, fifteen dollars.

35 10. For each one trip registration permit issued under section 28-2155,
36 one dollar.

37 11. For each temporary general use registration issued under section
38 28-2156, fifteen dollars.

39 12. For each identification plate bearing a serial or identification
40 number to be affixed to any vehicle, five dollars.

41 13. FOR EACH OFF-HIGHWAY VEHICLE PERMIT AND YEAR VALIDATING TAB
42 REQUIRED FOR AN OFF-HIGHWAY VEHICLE DESIGNED OR INTENDED FOR OFF-HIGHWAY USE,
43 AN AMOUNT TO BE DETERMINED BY THE DIRECTOR.

14. FOR EACH OFF-HIGHWAY VEHICLE PERMIT AND YEAR VALIDATING TAB FOR A VEHICLE THAT IS CURRENTLY REGISTERED IN THIS STATE OR ANY OTHER JURISDICTION AND THAT IS DESIGNED OR INTENDED FOR HIGHWAY USE, AN AMOUNT TO BE DETERMINED BY THE DIRECTOR.

B. For the purposes of this section, "travel trailer" means a trailer that is:

1. Mounted on wheels.
2. Designed to provide temporary living quarters for recreational, camping or travel use.
3. Less than eight feet in width and less than forty feet in length.

Sec. 7. Title 28, chapter 7, article 1, Arizona Revised Statutes, is amended by adding section 28-2014, to read:

28-2014. Disposition of fees; off-highway vehicle recreation fund

NOTWITHSTANDING SECTION 28-2004, AND PURSUANT TO SECTIONS 35-146 AND 35-147, THE DEPARTMENT SHALL DEPOSIT SEVENTY-FIVE PER CENT OF EACH FEE RECEIVED PURSUANT TO SECTION 28-2003, SUBSECTION A, PARAGRAPHS 13 AND 14 IN THE OFF-HIGHWAY VEHICLE RECREATION FUND ESTABLISHED BY SECTION 28-1176. THE DEPARTMENT SHALL DEPOSIT ANY REMAINING FEES RECEIVED FROM THE REGISTRATION OF VEHICLES PURSUANT TO SECTION 28-2003, SUBSECTION A, PARAGRAPHS 13 AND 14 IN THE STATE HIGHWAY FUND ESTABLISHED BY SECTION 28-6991.

Sec. 8. Section 28-2053, Arizona Revised Statutes, is amended to read:

28-2053. Certificate of title without registration

The department may issue a vehicle certificate of title without registration for any of the following reasons:

1. The applicant for a certificate of title is a nonresident whose vehicle is not subject to vehicle registration in this state.
2. The owner will register the vehicle under article 7 or 8 of this chapter.
3. The applicant certifies that the vehicle was acquired for purposes other than highway use.
4. The vehicle was acquired by operation of law.

~~5. The vehicle is an off-road recreational motor vehicle required to be titled pursuant to section 28-2061.~~

Sec. 9. Section 28-2061, Arizona Revised Statutes, is amended to read:

28-2061. New off-highway vehicles; certificate of title; registration; permits

A. On the retail sale of a new ~~off-road recreational motor~~ OFF-HIGHWAY vehicle AS DEFINED IN SECTION 28-1171, the dealer or person first receiving the motor vehicle from the manufacturer shall apply, on behalf of the purchaser, to the department for a certificate of title to, AND MAY APPLY FOR REGISTRATION AND AN OFF-HIGHWAY VEHICLE PERMIT FOR, the motor vehicle in the name of the purchaser. If satisfied that the application is genuine and regular and that the applicant is entitled to ~~a certificate~~ THE ITEMS REQUESTED IN THE APPLICATION, the department shall issue a certificate of

1 title to the motor vehicle ~~without requiring registration~~ AND A REGISTRATION
2 AND OFF-HIGHWAY VEHICLE PERMIT for the motor vehicle.

3 B. A person shall apply for and obtain a certificate of title,
4 REGISTRATION AND OFF-HIGHWAY VEHICLE PERMIT AS required by this section in
5 the manner prescribed in this chapter. On the transfer of ownership of an
6 ~~off-road recreational motor~~ OFF-HIGHWAY vehicle for which a certificate of
7 title, REGISTRATION AND OFF-HIGHWAY PERMIT is required by this section AND
8 SECTION 28-1177, a person shall apply for and obtain a new certificate, NEW
9 REGISTRATION AND NEW OFF-HIGHWAY PERMIT in the manner prescribed in this
10 chapter.

11 C. A person participating in an off-highway vehicle special event as
12 defined in section 28-1171 is exempt from the requirements of this section.

13 Sec. 10. Section 28-2157, Arizona Revised Statutes, is amended to
14 read:

15 28-2157. Application for registration

16 A. A person shall apply to the department for registration of a motor
17 vehicle, INCLUDING AN OFF-HIGHWAY VEHICLE AS DEFINED IN SECTION 28-1171, OR A
18 trailer or semitrailer on forms prescribed or authorized by the department.

19 B. The application shall contain:

20 1. The name and complete residence address of the owner.

21 2. A description of the vehicle, including the serial number.

22 3. If it is a new vehicle, the date of sale by the manufacturer or
23 dealer to the person first operating the vehicle.

24 4. If the owner of the vehicle rents or intends to rent the vehicle
25 without a driver, a statement of that fact.

26 5. Other facts required by the department.

27 C. The registering officer shall indicate on the face of the
28 registration application that the registrant may be subject to vehicle
29 emissions testing requirements pursuant to section 49-542.

30 D. On request of an applicant, the department shall allow the
31 applicant to provide on the registration of a motor vehicle, trailer or
32 semitrailer a post office box address that is regularly used by the applicant
33 and that is located in the county in which the applicant resides.

34 E. The person shall include with the application the required fees and
35 the certificate of title to the vehicle for which registration is sought.
36 The registering officer may waive the requirement that the applicant present
37 a certificate of title at the time of making an application for renewal if
38 the registering officer has available complete and sufficient records to
39 accurately compute the vehicle license tax.

40 F. The department may request an applicant who appears in person to
41 register a motor vehicle, trailer or semitrailer to complete satisfactorily
42 the vision screening test prescribed by the department.

43 G. A person applying for initial registration of a neighborhood
44 electric vehicle shall certify in writing that a notice of the operational
45 restrictions applying to the vehicle as provided in section 28-966 are

1 contained on a permanent notice attached to or painted on the vehicle in a
2 location that is in clear view of the driver.

3 Sec. 11. Section 28-2512, Arizona Revised Statutes, is amended to
4 read:

5 28-2512. Off-highway vehicle license plate; fee

6 A. UNLESS A VEHICLE IS CURRENTLY REGISTERED FOR OPERATION ON THE
7 HIGHWAYS OF THIS STATE, the department shall furnish to an owner of an
8 ~~off-road recreational motor~~ OFF-HIGHWAY vehicle, AS DEFINED IN SECTION
9 28-1171, one license plate for each titled ~~off-road recreational motor~~ OR
10 REGISTERED OFF-HIGHWAY vehicle.

11 B. The license plate is valid for the life of the vehicle.

12 C. The fee for a plate issued pursuant to this section is eight
13 dollars.

14 D. The license plate assigned to an ~~off-road recreational motor~~
15 OFF-HIGHWAY vehicle, AS DEFINED IN SECTION 28-1171, shall be:

16 1. Attached to the rear of the vehicle.

17 2. Securely fastened to the vehicle in a clearly visible position.

18 E. An owner of an off-highway vehicle as defined in section 28-1171
19 participating in an off-highway vehicle special event as defined in section
20 28-1171 is exempt from the requirements of this section.

21 Sec. 12. Section 28-6991, Arizona Revised Statutes, is amended to
22 read:

23 28-6991. State highway fund; sources

24 A state highway fund is established that consists of:

25 1. Monies distributed from the Arizona highway user revenue fund
26 pursuant to chapter 18 of this title.

27 2. Monies appropriated by the legislature.

28 3. Monies received from donations for the construction, improvement or
29 maintenance of state highways or bridges. These monies shall be credited to
30 a special account and shall be spent only for the purpose indicated by the
31 donor.

32 4. Monies received from counties under cooperative agreements,
33 including proceeds from bond issues. The state treasurer shall deposit these
34 monies to the credit of the fund in a special account on delivery to the
35 treasurer of a concise written agreement between the department and the
36 county stating the purposes for which the monies are surrendered by the
37 county, and these monies shall be spent only as stated in the agreement.

38 5. Monies received from the United States under an act of Congress to
39 provide aid for the construction of rural post roads, but monies received on
40 projects for which the monies necessary to be provided by this state are
41 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
42 shall be allotted by the department and deposited by the state treasurer in
43 the special account within the fund established for each project. On
44 completion of the project, on the satisfaction and discharge in full of all
45 obligations of any kind created and on request of the department, the

1 treasurer shall transfer the unexpended balance in the special account for
2 the project into the state highway fund, and the unexpended balance and any
3 further federal aid thereafter received on account of the project may be
4 spent under the general provisions of this title.

5 6. Monies in the custody of an officer or agent of this state from any
6 source that is to be used for the construction, improvement or maintenance of
7 state highways or bridges.

8 7. Monies deposited in the state general fund and arising from the
9 disposal of state personal property belonging to the department.

10 8. Receipts from the sale or disposal of any or all other property
11 held by the department and purchased with state highway monies.

12 9. Monies generated pursuant to section 28-410.

13 10. Monies distributed pursuant to section 28-5808, subsection B,
14 paragraph 2, subdivision (d).

15 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

16 12. Except as provided in section 28-5101, the following monies:

17 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
18 subsection B, paragraph 2, subdivision (e).

19 (b) One dollar of each registration fee and one dollar of each title
20 fee collected pursuant to section 28-2003.

21 (c) Two dollars of each late registration penalty collected by the
22 director pursuant to section 28-2162.

23 (d) The air quality compliance fee collected pursuant to section
24 49-542.

25 (e) The special plate administration fees collected pursuant to
26 sections 28-2404, 28-2412 through 28-2424 and 28-2514.

27 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
28 if the director is the registering officer.

29 13. Monies deposited pursuant to chapter 5, article 5 of this title.

30 14. Donations received pursuant to section 28-2269.

31 15. Dealer and registration monies collected pursuant to section
32 28-4304.

33 16. Abandoned vehicle administration monies deposited pursuant to
34 section 28-4804.

35 17. Monies deposited pursuant to section 28-710, subsection D,
36 paragraph 2.

37 18. MONIES DEPOSITED PURSUANT TO SECTION 28-2014.